



REPUBLIC OF SOUTH AFRICA

Not reportable

THE LABOUR COURT OF SOUTH AFRICA, DURBAN
JUDGMENT

Case no: D 535/09

In the matter between:

M MAJARA

Applicant

and

CCMA

First respondent

M van AARDE N.O.

Second respondent

FAWU

Third respondent

Delivered: 4 November 2011

RULING ON LEAVE TO APPEAL

STEENKAMP J

- [1] The applicant seeks leave to appeal against my *ex tempore* judgment of 31 May 2011. In that judgment, I dismissed his application to review an arbitration award. I made no order as to costs.
- [2] The application for leave to appeal was apparently filed on 23 June 2011. Inexplicably, it was only brought to my attention on 21 September 2011. I issued a directive the next day, on 22 September 2011, in terms of rule

30(3A), calling upon the applicant to deliver his submissions by 30 September 2011 and the third respondent (FAWU) to deliver its submissions by 7 October 2011. FAWU delivered its submissions on 28 October 2011, some two weeks late. The applicant did not do so at all. Neither party applied for condonation.

- [3] The application for leave to appeal was itself delivered out of time and there was no application for condonation.
- [4] In the premises, the application for leave to appeal is refused with no order as to costs.

A J Steenkamp
Judge